COMMISSION NOT JUDICIAL BODY

Judge Pritchard Decides It Has No Authority To Make Rates.

OPINION HARD BLOW TO STATE

Sustains Contention of Railroads in Famous Passenger Rate Cases-Not Yet Determined What Course State Will Pursue.

Decision in Rate Case.

a source of gratification to me to now that my decision in respect to is question is not final, but that this question is not man, but that, it is to be ultimately submitted to the Supreme Court of the United States for determination, and if I have committed error, that distinctuished tribunal will correct the same."—Judgo Jeter C. Pritchard.

greatly deplore the institution these suits, which I apprehend inevitably result injuriously e to the best interests of the

"I have the highest respect for Judge Pritchard and for his ability as a judge. He has freated us with the utmost consideration, and Hs-tened patiently to all we had to say, but I feel confident that he has made a mistake, which the Supreme Court will rectify,"—Hon, A. C. Braxton.

In an opinion affecting the very ex-tence of the Virginia Corporation ommission Judge Jeter C. Pritchard, tence of the Virginia Corporation omnission Judge Jeter C. Pritchard, the United States Circuit Court of ppeals, yesterday continued the innections recently secured by the rall-ads restraining the commission on putting, into effect the proposed duced passenger rates, and practically clared that the commission has no ower to exercise the functions of a ourt, and that in attempting to fix test it went beyond its constitutional thority.

e cases, six in number, are among most important heard in Virginia, ing the present generation, and their final settlement may depend only the question of rate-making, the general powers of the Cortion Commission as well.

dge Pritchard read his opinion in the bench, and announced that on he would hand down a more corate paper, going more fully into idetails of the points involved.

serits, or to comment on the opinion of the judge.

Though the State is not a party to his litigation and cannot be made party without her consent, the Attorey-General greatly deplores the institution of these suits, which he apprends will inevitably result injurious, and all the test and of the railroad companies, thatever the final decision may be. Not only is the validity and legality of the order of the State Corporation commission prescribing the maximum ates to be charged by the railroad companies of Virginia brought in uestion by these suits, but the validity and very existence of the State Corporation Commission are put in saue.

If the State cannot control and regu-

Issue.

If the State cannot control and regulate public service companies in the way prescribed by her Constitution and laws, says the Attorney-General, she cannot regulate them at all justly or effectively.

No Provision for Defense.

No Provision for Defense.

Apart from any consideration of the question as to the justness and reasonableness of the rates for passenger transportation prescribed by the commission, or of the merits of these suits, the importance of the litigation is far-reaching and momentous to the people of Virginia and of all the States of the Union.

No provision has been made by law for defending such suits on behalf of the Commonwealth, It would require the diligent services of a number of trained and experienced lawyers, and of expert accountants for months, adequately to prepare and present the defenses of the State to these six suits, if any defense is to be made upon the question of the justness and reasonableness of the maximum fires fixed by the commission.

No provision has been made by law for making any such defense.

The Attorney-General stated to the court yesterlay morning, immediately after its deficiency as and readers.

UNWRITTEN LAW PLEADBY MOTHER IN MARYLAND

Woman and Son on Trial for Killing Suitor Who Neglected Girl.

LA PLATA, MD., July 10.—The so-called "unwritten law" will be the piea of the defense in the case of Mrs. Mary Bowle and her son, Henry Bowle, of Pla-gali/Charles county, who are accused of shooting and killing Hubert Posey on the road leading from Indian Head to Plagah, on the night of January 28th, for his refusal to marry Priscilla Bowle, the daughter and sister of the Bowle, the daughter and sister of the defendants. It was alleged the Bowle, the daughter and sister of the defendants. It was alleged that Posey ruined the girl. The trial opened here jo-day in the Charles county court before Judges F. Briscoe, George Merrick and J. Parrian Crane. Congressman Sydney E. Mudd and Adrian Posey are the counsel for the prisoners, and States Attorney L. Allison Wilmer is conducting the prosecution unassisted. A jury was secured, and the opening statements of the counsel were made before the close of the morning session. In his remarks Congressman Mudd contended that the shooting was justified by the "unwritten law."

CRÓWDS HOOT BARON'S DENIAL

Judicial Separation Granted Baroness Von Eckhardstein in London.

They Would Deal With Californians.

ARREST SLIGH · FOR PETERSBURG

Paint Manufacturers Make Complaint Against Man Who Started as Drummer.

Started as Drummer.

CHATTANOOJA, TENN., July 10.—S.
B. Sligh, who is wanted by Jacob Cohen & Sons, paint manufacturers of Petersburg. Va., was arrested here tonight. The company claims that Sligh started out from Savannah, Ga., with a supply of samples valued at \$180, and instead of taking orders for them and instead of taking orders for them. sold them out gradually in Chattanooga and through Georgia. Traces were found of him at Newnan, Tifton and other points in Georgia, and it was learned that he was headed for Chatta-nooga.

VIRGINIAN NOT

TO BUY C. & O.

Vice-President DuPuy Denies Story of Possible Transfer.

NORFOLK, VA., July 16.—Raymond DuPuy, vice-president and general manager of the Virginian Railroad, humorously denied to-day the report that the Virginian would secure control or the Chesapeake and Ohic Railway, and that Newport News would be made the deepwater terminus of both roads. Work is heing pushed on the Sewell's Point terminus of the Virginian.

PRESIDENT MOYER IGNORANT OF CRIME

First Heard of Steunenberg Murder in Denver Newspapers.

DENIES STORY TOLD BY ORCHARD

Explains Why Federation Voluntarily Agreed to Defend Slayer of Former Governor-Traveled With Him, but Took

No Part in Conference at Pettibone's.

BOISE, IDAHO, July 10.—President Charles H. Moyer, of the Western Federation of Miners, went on the stand to-day as a witness for Secretary William D. Haywood, enarged with murdering Frank Steunenberg, as is also Moyer, and beside making positive denial of all the crimes attributed to him and the other federation leaders by Harry Orchard, Moyer offered an explanation of the unsolicited appearance of the Western Federation of Miners as the defender of Harry Orchard immediately after Orchard's arrest at Caldwell for the murder of Seunenberg.

Moyer began by saying that ne got his first knowledge of the crime from the Denver newspapers, and that on the evening of January 4th, five days spokane. It was long, and the transla-tion was difficult and uncertain, but he and Haywood figured the next day that it was signed by Simpkins, and read:

"Cannot get a lawyer to defend Hogan. Answer."

Moyer testified that he was suspicious about the message, the newspapers having already charged the crime to the federation, and that he decided to consult John Murphy, general counsel for the federation before he took any steps.

as a bodyguard for Mover. Did Not Attend Conference.

(Continued on Third Page.)

THE PRESIDENT PITCHING HAY

Laborer Worked to Frazzle and Won't Tackle Job Again.

[Special to The Times-Dispatch.] EAST NORWICH, L. J., July 10 .- Edward Maloney, a laborer of this village, had a unique experience this afternoon at Sagamore Hill, when he har-

OFFICERS AND TOBACCO TRUST MAGNATES



FLORENCE SCHENCK HALSEY-THOMAS

Says Father Telephoned That He Never Wants to See Her Again.

RICHMOND, VA., THURSDAY, JULY 11, 1907:

MANY CRANKS MAKE OFFERS

Norfolk Woman' Turns Them Down and Will Become an Actress.

[Special to The Times-Dispatch.] NEW YORK, July 10.—Declaring that her father has telephoned her that he never wants to see her again, and that her family have all cast her off, Florence Schenck, the former Norfolk girl, who says that Charles H. Wilson, Alfred G. Vanderbitt's stable

Says Wilson Still Loves Her.

In the course of the interview which she gave to-day, Miss Schenck reviewed her life since her first meeting with Wilson. Her rectial included the statement that Wilson still loves her, and would marry her if he were free. She said Wilson's jealousy led him to beat her, and that on one occasion in London when his funds were low, he suggested that she permit him to introduce her to a certain rich Englishman.

man.

Regarding the end of her romance with Wilson, she said: I am glad that it is all over. I don't want to punish him. It is too late. I want to forget that I ever was such a silly girl as to be taken in by such a brute. I will study and work hard and try to make a success on the stage, and then some day, if I meet a man that I really love, I will marry and settle down. I would like a home of my own, and peace, and perhaps some day my father and mother will forgive me."

PETERSBURG BOY RHODES WINNER

more and the state of the control of

Feature of This Primary Is That Virginia Tobacco Men Make Senator Daniel's Popularity Will Be Tested.

So Announced Himself Some If Put Into Effect Each Ware Months Ago, and Daniel Wants Halsey Nominated.

[Special to The Times-Dispaten.] LYNCHBURG, VA., July 10.—The LYNCHBURG, VA., July 10.—The Democratic primary for the nomination of a senatorial candidate to represent the district composed of the city of Lynchburg and the county off campbell county, will take place tomorrow. While there is considerable interest in the county nominations, the greatest interest is manifested in the contest between State Senator A. F. Thomas, of Campbell county, and exstance of the county off campbell county, and exstance of the county off campbell county, and exstance of the county of the city, for the nomination for the State Senator Don P. Haisey, of the city, for the nomination for the State Senator Interest in the county in the county of the county of the county of the county in the case he may consider desirable.

WASHINGTON, D. C., July 10.—Represent the Fourth After that the witnesses would be called before the court and the takin of evidence would begin. At the conficient with the witnesses would begin the county of culled before the court and the takin of evidence would begin. At the conficient with the witnesses would begin the county of called before the court and the takin of evidence would begin. At the conficient with the witnesses would begin the county of called before the court and the takin of evidence would begin. At the conficient with the witnesses would begin the county of called before the court and the takin of evidence would begin the called before the court and the takin of evidence would begin the called before the court and the takin of evidence would begin the county and the takin of evidence would begin the county and the takin of evidence would begin the called before the court and the takin of evidence would begin the county and the takin of evidence would begin the county and the takin of evidence would begin the called before the court and the takin of evidence would begin the county and the co

doah counties between Senator Tayenner, of Shenandouh, and Robert M. Ward, of Winchester, also enters. Senator Thomas, who has completed one term in the State Senate, claims the old agreement of rotation, was abrogated by the primary plan, and Mr. Halsey denies the statement.

Tors of Danville, wired Mr. Saunders of the order, and the latter came down to Danville to investigate.

Ho was convinced Commissioner Capers acted under a misapprehension, and the Congressman wired for a hearing.

Commissioner Capers wired he would hear him to-day, and Mr. Saunders as well-known.

ROOSEVELT IN THE AYRES SUIT

Orders Army Officer Before Retiring Board for Examination Mentally.

WASHINGTON, July 10.—By direction of the President, Lieutenant-Colonel Charles G. Ayers, Fourteenth Cavalry, has been ordered before a retiring board at the Army Building, New York City, July 17th next. The board will make a thorough examina-tion of Colonel Ayers, physically and mentally, with a view to ascertain-ing whether he is eligible for re-

The immediate cause for the order was the publication recently of an interview with Colonel Ayers in which he is alleged to have criticized army

CAPERS MODIFIES **WAREHOUSE** ORDER

Successful Argument for

THOMAS IS FOR BRAXTON WOULD BE SERIOUS BURDEN

houseman Would Have Had Extra Expense.

Books Open to Inspection.

Judge Saunders presented the case to Commissioner Capers this afternoon, and after he had concluded his argument the commissioner said he would modify the order so as to have it provide that the warehousemen, who keep for their own use such records as the original order provided, shall allow their books to be accessible to representatives of the Internal Revenue Bureau at all times.

Mr. Acree said that the enforcement of the order in its original form would have meant the employment of a number of additional clerks in his establishment, and the making of 69,000 additional entries every year.

ARREST WOMAN

IN RUNYAN CASE

FILE SUIT AGAINST THE TOBACCO TRUST

Government May Ask for Receiver to Wind Up Its Business.

TO PROSECUTE ITS OFFICERS

Possibility of That Depends on Future Evidence - American and Allied Concerns Under Indictment—Charged That It Holds Monopoly.

NEW YORK, July 10 .- James C. Mc-Reynolds, the special assistant attorso-called tobacco trust, declared to-day,

Attorney-General's Suit.

Mr. McReynolds appeared before the court alone to file to complaint, but the petition is algo y Attorney-General Charles C. Borarte, Milton D. Purdy and Edwin Brosenor and James C. McReynol issistants to the Attorney-General. There was no hearing before toourt, to-day's action being confice of ling the complaint.

Mr. McReynolds said that the nexter in the case would be the servi-

panies. If it did so it might prevent men from buying tobacco, but if receivers are appointed the business would be continued, the public would not be embarrassed by inability to purchase tobacco and the receiver might sell off the various factories to independent concerns, thus effectively dissolving the combination."

Mr. McReynolds said he had no idea how soon the taking of evidence would legin.

begin. Many Under Indictment.

Many Under Indictment.

The petition filed by the government to-day is directed against the American Tobacco Company, the Imperial Tobacco Company, the Merican Tobacco Company, the American Tobacco Company, the American Cigar Company, the American Cigar Stores Company, the American Stogle Company, the American Stogle Company, the MacAndrews and Forbes Company, the MacAndrews and Forbes Company, the Conley Foll Company, and fifty-six other corporations and twenty-nine individuals connected with the named companies.

These corporations and individuals constitute what is generally known as the "Tobacco Trust," and the petition directed against them sets forth the purpose of the government to dissiply the sagreements under which the consolidated concerns are working. In showing the growth of the "trust" since its organization in 1890, the conclusion is reached that at an early day, unless prevented, it would completely monopolize the entire tebacco industry.

May Enjoin the Imperial.